



May 9, 2012

Honorable Fred Upton
Chairman
House Energy & Commerce Committee
2125 Rayburn House Office Building
Washington, DC, 20515

Honorable Henry Waxman
Ranking Member
House Energy & Commerce Committee
2322A Rayburn House Office Building
Washington, DC, 20515

Dear Chairman Upton and Ranking Member Waxman:

We are writing to thank you for the inclusion of H.R. 2227, "The Medical Gas Safety Act," in the legislation currently pending before your Committee to reauthorize FDA user fee programs for prescription drugs recently reported out of your Health Subcommittee.

Medical gases are elements or compounds specifically formulated for medical use and are produced at over 3,000 manufacturing locations across the country. Patients rely on medical gases—oxygen, nitrogen, helium, nitrous oxide, carbon dioxide and medical air—to enable life-saving treatments. These gases are used in diagnosis, anesthesia and therapy or treatment and some have been staples of medicine since the 1800s.

More than a million patients use medical gases every day in the U.S. Medical oxygen, for example, is used to resuscitate the critically ill when their circulation is impaired, such as during cardiac and respiratory arrest, among other applications.

The use of medical gases vastly pre-dates the new drug application (NDA) provisions in the Federal Food, Drug, and Cosmetic Act (FFDCA), which requires approval of all drugs under a system designed for traditional pharmaceuticals.

In addition, the unique manufacturing and distribution process for medical gases is distinct from any other class of drug products and does not fit well into the current Food and Drug Administration (FDA) regulatory process. For example, the use of expiration dating may be appropriate for other pharmaceuticals but unnecessary and likely costly for medical gases like oxygen, whose effectiveness does not expire with time.

H.R. 2227 is bipartisan legislation sponsored by Representatives Leonard Lance and Chris Murphy that will protect the public's health by ensuring that patients will not be deprived of essential medical gases because of an approval process and regulatory regime that does not fit these products. This bill will replace the current system of regulatory enforcement discretion with a clear, targeted regulatory structure for medical gases to address the safety of medical gases.

Honorable Fred Upton & Honorable Henry Waxman
House Energy & Commerce Committee
May 9, 2012
Page 2 of 4

We urge you to continue to support the inclusion of H.R. 2227 in the pending FDA legislation as it is debated by the full Energy & Commerce Committee and the House floor.

Sincerely,

A-OX Welding Supply Company, Inc., Mike Elliott, Tom Elliott, Kelly Kleinwolterink, Saul Garcia
Abbott Welding Supply Company, Inc., Drew Baiter, Joe Higgins, Mike Higgins, Tom Lippert, Doug Nonno
AGL Welding Supply Co, Inc., Jim Brancato
AGP LLC, Michael D'Auria
AIMTEK, Inc., Jay Kapur
Alliance Welding Supply, Inc., Marvin E Rodgers, III
Allied Gases and Welding Supplies, Inc, Anthony Boccaccio
American Welding, Doug Westlake, Larry Gomer
American Welding & Gas Inc., Ron Adkins
Applied Home Healthcare Equipment, Dave Marquard
Arkansas Welding and Industrial Supply, Stuart Rogers
Atlas Welding Supply Co., Inc., James A. Cain, Mike Klemenok
AWISCO, Lloyd Robinson, Felim O'Malley
AWI Supply, Ira Kleinman
Badger Welding, Scott Griskavich
Baker's Gas & Welding Supplies, Inc., Tom Klemz, Gary Klemz
Barton's Welding Supply, Randac
Best Welders Supply, Inc., Mark Davidson
California Tool & Welding Supply
Cee Kay Supply Inc, John Gabris, Kevin Kimker, Ned Lane, Dave Teson, Ben Verhagen
Central McGowan Inc, Gary Ramcher
Central Welding Supply, Mike Buell, Rod Spargur
Complete Welders Supply, Benjamin Bisconer
Compressed Gas Solutions, Inc., Bob Fine, Robert Leaman
Coastal Welding Supply, J. C. Mazoch
Cryo Source, National Fire Fighter Corp., Industrial Source, Brent Laing
Cryo Weld Corp, Tomas Dyal
Dale Oxygen, John Chizmar, Tom Glennon, Elaine Grove, Terry Kessler
Depke Gases & Welding Supplies, Inc., Charlie Dillavou, Curt Towne
DuPuy Oxygen and Supply
DJB Gas Services, D. Burnett
F. R. Blankenstein Company, Robert Eicemann
Four Corners Welding, Kent Wilson
Fresno Oxygen, R. C. Wulf
General Air Service and Supply Company, Gary Armstrong, Mike Fisher
General Air Supply, Dave Thunselle

General Distributing Company, Eric Bliss, Glenn Bliss, Josh Gustavsen, Monte D. Ruud, Ron Woods
General Welding Supply Company, Dave Fisher, Kristen Lanzano, Nicholas Lanzano, J. Hanney Ruddy
Greco Gas Welding Supplies and Industrial Gases, D. Brooke
Harris Industrial Gases, Tim Lettich
Hartman Brothers, Inc., Ray Carrell
Haun Welding Supply, Lonnie Nash
Home Health Resource, J Coltabaugh, J Fromknecht
ILMO Specialty Gases, Dan Geltmaker, Kris Luther, Travis Nelson, Linda Stanley
Indiana Oxygen Company, Mike Gunnels
Industrial Gas Distributors, Wynn Mader
Industrial Source, Chris Ball, Robert Laing, Lance Leister, Brian McMichaels, Kevin Peterson, Jeramiah Pierce
Ivey Industries Inc., Robert Iverson, Bill Stankowski
Keen Compressed Gas Company, Steve Shupe
Lake Welding Supply Co., Tom Lesneski
Logan Hagan Welding Supply, Inc., Darrell Colson
Lynox Welding Supply, Gene Lynch, II
Machine and Welding, Christopher Aldredge
Machine and Welding Supply, Robin Benfield, Jon Bennett, Doug Mcleod, Tommy Stewart
Maine Oxy, Dan Guerin
Melos Gas and Gear, David Melo
Metro Welding, Frank Doran, Dennis Reid
Metro Welding Supply Corporation, Gary Stoneback
Middlesex Gases and Technologies Inc., M. Beaulieu, Bob Chmielorz
Minneapolis Oxygen Company, Mark Falconer
Mississippi Welders Supply Co., Inc., John Tomten
Monroe Welding, Christian Williams
New Bedford Welding Supply, Michael Cook
NOCO Distribution LLC./BWC Gases, Timothy Mann
Norco, Inc., Jim Ross, Robbie Roberts
Noble Gas Solutions, David Mahoney
O2 Plus Inc., Shane Miles
O.E. Meyer Co, Craig Wood, Paul Revolinsky
Oxarc, Inc., Kelly Bladow, Jordan Copley, Don Haskins, Gregory Walmsley
Oxygen Service Company, Ward Simon
OZARC/Gas Equipment, Bob Garner
Pooch Welding Supply, Debra Small, John Small, Jeffery VonKoenig
Praxair, Dennis Johnson
Premier, Betty Root
Purity Cylinder Gas, Ron Brower, Jim Hoekstra
Purity Cylinder Gases, Inc., Gary Nyhuis
Qwest Office, Willie Watt

Honorable Fred Upton & Honorable Henry Waxman
House Energy & Commerce Committee
May 9, 2012
Page 4 of 4

Red Ball Oxygen, Bob Ewing, Craig Harris, Sam Lively
Roberts Oxygen Company, Inc., Dave Mason
Robinson's Industrial Gas and Equipment Corp., Kevin Rubenstruck
S. J. Smith Company, Richell Smith-Brecht
Schad & Pulte Welding Supply, Inc., Derrick A. Campbell
Scott Gross, Ryan Combest, Chuck Beal
Sierra Welding Supply, Patrick Wilke
Sims Welding, Kelly Sims
South Jersey Welding Supply, Inc., Andrew Thornton
Superior Welding Supply Co., Steve Christoph
Terry Supply Company, Alice Stringer, Rick Terry
Trade & Industrial Supply Inc., Barry Nanz
TWSCO, Danny Thomas
Tyler Welders Supply, Melvin Ruyle
United States Cylinder Gas, John McCurrie
United States Welding Supply, Richard Lofgren
US Gas, Joe Wiesemann
Victor Welding Supply, Chad E. Freeman
W. C. Starcher, Jon Hill
Wagner Welding Supply, Dennis Ogden
Wayne Oxygen & Welding Supply, Ronald Brower
Welders Supply Co., Larry Simpson
The Welding Center, Mike Kadubek
WestAir Gases and Equipment, Dave Messina, Steve Castiglione
West Penn Laco, Neil Mackay
WSCRC, Tony Dinicola
Wilson Products Compressed Gas, Jeff Breidinger, Josh Groner, Terry Halpin

CC: Representative Lance
Representative Murphy